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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )

WILLIAM SCOTT CALDWELL )

Serial No: 09/973,411 )

Art Unit: 1624

Examiner: Balasubramanian, V.

Filed: October 9, 2001 )

Docket No. T103 1300.4

For: **COMPOUNDS CAPABLE OF ACTIVATING CHOLINERGIC RECEPTORS****RESPONSE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The following comments are in response to the Advisory Action mailed on January 8, 2003 in connection with the above-identified application, and follow the Notice of Appeal filed on February 4, 2003. A Request for Continued Examination has been filed concurrently with this Response, along with a Petition for a One Month Extension of Time. A Terminal Disclaimer is also attached.

**Comments**

The present application currently includes one claim, directed to a (R or S) (4E or Z)-N-methyl- 5-(5-pyrimidinyl)4-penten-2-amine.

**Rejections under 35 U.S.C. § 103 (a)**

Claim 12 has been rejected under 35 U.S.C. § 103 (a) as obvious over U.S. Patent No. 5,597,919 to Dull et al. (Dull) and under the judicially created doctrine of obviousness-type double patenting as obvious in view of claim 8 of Dull. These rejections are respectfully traversed.

Dull teaches homologs of the instantly claimed compounds where the carbon attached to the methyl amine group is a methylene (CH<sub>2</sub>) group. Dull does not disclose or suggest